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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,807	09/26/2003	Peter Nilsson	03370-P0053A	8903

24126 7590 10/17/2005

ST. ONGE STEWARD JOHNSTON & REENS, LLC
986 BEDFORD STREET
STAMFORD, CT 06905-5619

EXAMINER

CHIN, GARY

ART UNIT PAPER NUMBER

3661

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,807

Applicant(s)

NILSSON ET AL.

Examiner

Gary Chin

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/21/03</u> . | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Drawings

1. The drawings are objected to because there is no descriptive legend provided for each of the structural elements shown in figures 1-2 currently represented in a form of hollow rectangles. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 13, 14 and 18 are objected to because of the following informalities:

As per claim 13, line 2; claim 14, line 10 and claim 18, line 2, "sensor signals" should be "said sensor signals" respectively in order to avoid the antecedent basis problem. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Neuhaus et al (patent no. 5255962).

As per claims 1-2 and 14-15, figures 1-2 of the Neuhaus et al reference clearly disclose the claimed brake system for a heavy vehicle comprising a plurality of brake components (items 1-4 and figure 2), at least one vehicle performance sensor (items 18-20 and 22), a central control unit (item 5) and a distributed electronic control unit (item 1 or 2) for controlling a first subset or less than all of the plurality of brake components based on the received sensor signals.

As per claims 3, 16 and 17, the Neuhaus et al reference in col. 7, lines 4-5, teaches that two modules (items 1-2) can be combined to form a single axle module and as such the combined axle module can control at least two of the plurality of brake components as claimed.

As per claims 4-7, the claimed at least one performance sensor provides sensor signals to both the central control unit and the distributed electronic control unit is taught in item 22, fig. 1 and col. 6, lines 35-39 and col. 8, lines 41-43 of the Neuhaus et al reference.

As per claim 5, the claimed at least one sensor provides sensor signals only to the central control unit is shown in item 18, figure 1 of the Neuhaus et al reference.

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As per claim 6, the claimed at least one sensor provides sensor signals only to the distributed electronic control unit is shown in item 22 (fig. 1) and item 33 (fig. 2) of the Neuhaus et al reference.

As per claims 7-8, the claimed second distributed electronic control unit is shown in item 2, figure 1 of the Neuhaus et al reference. Further, item 22 in figure 1 shows the at least one sensor provides sensor signals to the central control unit and/or the distributed electronic control unit and the second distributed electronic control unit as required.

As per claim 9, item 32 in figure 2 of the Neuhaus et al reference clearly shows that the vehicle performance sensor comprises part of the brake components.

As per claim 10, item 18 or 20 in figure 1 of the Neuhaus et al reference shows the vehicle performance sensor is separate from the brake components.

As per claim 11, the claimed manual input for overriding the central and local control signals is taught in col. 9, lines 20-25 of the Neuhaus et al reference.

As per claim 12, the additionally claimed plurality of distributed electronic control units each controls the associated brake component are shown in items 1-4, figure 1 of the Neuhaus et al reference.

As per claim 13, the claimed central control unit is shown in item 5, figure 1 of the Neuhaus et al reference.

As per claims 18-19, the second distributed electronic control unit for controlling a second subset or a single brake component is shown in item 3, figure 1 of the Neuhaus et al reference.

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As per claims 20-21, the claimed second subset of brake components disposed on a common axle of the vehicle is taught in col. 7, lines 4-5 of the Neuhaus et al reference.

5. The additional references are cited to show the related systems, in particular, the patents 6669308 to Aurich et al and 4701854 to Matsuda are cited to show the claimed plurality of distributed brake control units are well known. Applicant(s) should consider them carefully when responding to the current office action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Chin whose telephone number is (571) 272-6959. The examiner can normally be reached on Monday-Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GARY CHIN
PRIMARY EXAMINER